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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ESTATE OF JOHN A. GONZALES; TERRESA  
GONZALES, individually and as SPECIAL  
ADMINISTRATRIX OF THE ESTATE OF  
JOHN A. GONZALES,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT; DOUGLAS C. GILLESPIE,  
individually and in his official capacity as Sheriff  
of Clark County; Las Vegas Metropolitan Police  
Department SGT. M. LANGGIN, Badge #4078,  
individually and in his capacity as a police  
sergeant employed by the Las Vegas  
Metropolitan Police Department; Las Vegas  
Metropolitan Police Department Officers D.  
ROSE, Badge #9830 and KAPLAN, Badge  
#13421, individually and in their official  
capacities as police officers employed by the Las  
Vegas Metropolitan Police Department; CLARK  
COUNTY, NEVADA; DOES 1 through 10, and  
ROE ENTITIES 11 through 20, inclusive,

Defendants.

Case No.: 2:14-cv-01827-JCM (GWF)

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES  
(SECOND REQUEST)**

Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of record, hereby stipulate and request that this court extend discovery in the above-captioned case ninety (90) days, up to and including January 6, 2016. In addition, the parties request that the expert, dispositive motion, and pre-trial order deadlines be extended for an additional ninety (90) days as outlined herein. In support of this stipulation and request, the parties state as follows:

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1           1.       On November 3, 2014, Defendants Las Vegas Metropolitan Police Department,  
2 Douglas Gillespie, Sgt. Langgin and Ofc. Kaplan ("LVMPD defendants"), removed the instant  
3 action to federal court.

4           2.       On November 6, 2014, Plaintiffs filed their first amended complaint.

5           3.       On November 20, 2014, the LVMPD defendants filed a motion for partial  
6 dismissal and Defendant Rose filed a separate motion to dismiss.

7           4.       On January 6, 2015, the court entered the initial discovery plan and scheduling  
8 order.

9           5.       On January 12, 2015, the LVMPD defendants served their initial disclosure  
10 statement.

11          6.       On January 16, 2015, plaintiffs served their initial disclosure statement.

12          7.       On January 22, 2015, the LVMPD defendants served their first supplement to  
13 their initial disclosure statement.

14          8.       On January 23, 2015, the LVMPD defendants served plaintiffs with written  
15 discovery.

16          9.       On February 26, 2015, plaintiff Terresa Gonzales responded to the LVMPD  
17 defendants' written discovery.

18          10.      On March 6, 2015, plaintiffs filed their Suggestion of Death of John Gonzales.

19          11.      On April 13, 2015, Defendant Rose served plaintiff Terresa Gonzales with written  
20 discovery.

21          12.      On April 24, 2015, the parties filed their first stipulation and order to extend  
22 discovery deadlines.

23          13.      On May 21, 2015, plaintiffs filed their second amended complaint.

24          14.      On May 29, 2015, the LVMPD defendants served plaintiff Terresa Gonzales as  
25 the Administrator of the Estate of John Gonzales with written discovery.

26          15.      On June 2, 2015, the LVMPD defendants served notice of depositions for  
27 witnesses Fred Kloss and Ryan Boyd.

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1           16.     On June 4, 2015, the LVMPD defendants filed their answer to plaintiffs' second  
2 amended complaint.

3           17.     On June 4, 2015, Defendant Rose filed his motion to dismiss plaintiffs' second  
4 amended complaint.

5           18.     On June 6, 2015, the LVMPD defendants filed their motion for partial dismissal  
6 of plaintiffs' second amended complaint.

7           19.     On June 11, 2015, the LVMPD defendants noticed the depositions of plaintiff  
8 Teresa Gonzales and her son Christopher Gonzales.

9           **DISCOVERY REMAINING**

10          1.       The LVMPD defendants have noticed and are taking the depositions of witnesses  
11 Boyd and Kloss on July 10, 2015.

12          2.       The LVMPD defendants have noticed and will take the depositions of plaintiff  
13 and her son on July 27, 2015.

14          3.       The LVMPD defendants need to obtain and review the medical records of John  
15 Gonzales relevant to the subject litigation.

16          4.       The parties need to disclose expert witnesses.

17          5.       The parties need to take the depositions of John Gonzales' medical healthcare  
18 providers.

19          6.       The parties need to take the depositions of designated expert witnesses.

20          7.       The parties will take the depositions of any and all other witnesses garnered  
21 through discovery.

22          8.       The defendants need to review and investigate plaintiffs' alleged damages.

23               This request for an extension of time is not sought for any improper purpose or other  
24 purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient  
25 time to conduct discovery.

26               ///

27               ///

28               ///

**WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

The parties have actively participated in discovery. However, the recent passing of former plaintiff John Gonzales complicated the litigation. Specifically, the litigation stalled while plaintiffs filed the necessary repair work to get plaintiff Terresa Gonzales appointed as the Administrator of John Gonzales' estate. The plaintiffs then had to file an amended complaint naming the Administrator of John Gonzales' estate as a party. After the filing of the second amended complaint, the defendants then had to serve additional written discovery on the Administrator.

In addition, the parties have had difficulty in obtaining John Gonzales' medical records. It is the LVMPD defendants' understanding that all medical records are now in the possession of plaintiff Terresa Gonzales and that she is in the process of supplementing her initial disclosure statement with the same. Once the medical records are obtained by the defendants, the defendants will need to review the medical records and determine what medical experts, if any, are needed.

Next, the parties have had difficulty in scheduling depositions due to scheduling conflicts. However, the plaintiff's deposition and primary witness depositions have been set and are moving forward. The deposition testimony is necessary for the parties' expert witnesses.

The parties have conferred regarding discovery for this case and it appears the parties can work together to complete the discovery requested if additional time is allowed by the court. At the time of the parties' first request for extension of discovery, the suggestion of death regarding John Gonzales was not yet on file, and the Administrator was not a party. Further, counsel for defendants and plaintiffs have had scheduling conflicts with other cases, which have impacted their respective ability to complete discovery for this case within the initially agreed upon dates. Accordingly, the parties respectfully request a reasonable extension of time to afford sufficient opportunity to complete discovery for this case. The parties' request for additional time for discovery is reasonable in light of the complexity of the case and the multiple parties involved in this lawsuit. Further, the primary reason behind this second request is to allow the parties time to obtain all necessary discovery for proper expert disclosures.

Extension or Modification of the Discovery Plan and Scheduling Order. LR 26-4 governs modifications or extensions of the discovery plan and scheduling order. Any stipulation or motion must be made no later than twenty-one (21) days before the expiration of the subject deadline, and comply fully with LR 26-4.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	October 6, 2015	January 6, 2016
Expert Disclosures Pursuant to Fed R. Civ. P. 26(a)(2)	August 6, 2015	November 6, 2015
Rebuttal Expert Disclosure Pursuant to Fed. R. Civ. P. 26(a)(2)	September 4, 2015	December 4, 2015
Interim Status Report	August 6, 2015	November 6, 2015
Dispositive Motions	November 4, 2015	February 4, 2016 (or at least thirty (30) days after the close of discovery)
Joint Pre-Trial Order	December 3, 2015	March 3, 2016 (or at least thirty (30) days after the decision of last dispositive motion)

This request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery in this case, obtain the necessary experts, and adequately prepare the case for trial.

This is the second request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short discovery extension.

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1 WHEREFORE, the parties respectfully request that this court extend the discovery period  
2 by ninety (90) days from the current deadline of October 6, 2015, up and until including January  
3 6, 2016, and the other discovery dates as outlined in accordance with the table above.

4 Dated this 13th day of July, 2015.

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INJURY LAWYERS OF NEVADA

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19 Las Vegas, Nevada 89118  
20 Attorney for Defendant Rose

21 **ORDER**

22 IT IS SO ORDERED this 14 day of July, 2015.

23   
24 U.S. MAGISTRATE JUDGE